

*Revised Letter
FedEX 10/27/2011*

BILL HASLAM
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
6th FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

KEVIN HUFFMAN
COMMISSIONER

October 25, 2011

Deputy Assistant Secretary Michael Yudin
Office of Elementary and Secondary Education (OESE)
U. S. Department of Education
Headquarters – LBJ Education Building, 400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Deputy Assistant Secretary Yudin:

I am writing to request a waiver of Section 421(b) of the General Education Provisions Act (GEPA) (the "Tydings Amendment") as it affects the authority of the Tennessee Department of Education and its sub-recipients to obligate fiscal year (FY) 2009 regular and ARRA funds after September 30, 2011. Specifically, I am requesting that the authority to obligate funds for the State-administered Elementary and Secondary Education Act (ESEA) programs listed in the attached chart be extended to September 30, 2012.

The extended authority to obligate these funds would enable the Tennessee Department of Education and its sub-recipients to increase the quality of instruction for students, improve their academic achievement, and continue to assist the same populations served by the programs for which this waiver is being requested in accordance with applicable program requirements.

Tennessee Department of Education assures that it has:

Provided all sub-recipients of the programs affected by the waiver with notice and a reasonable opportunity to comment on this request. Tennessee Department of Education provided such notice by sending an email to each grant recipient on October 6, 2011, and by posting information and request for comments about the waiver on the Tennessee Department of Education website. Website link: <http://www.tennessee.gov/education/fedprog/index.shtml>
Copies of comments to the Tennessee Department of Education must be received by October 19, 2011, and will be forwarded to the USED.

Provided notice and information regarding this waiver request to the public in the manner that Tennessee customarily provides such notice and information to the public by posting information regarding the waiver request on its website. Website link:
<http://www.tennessee.gov/education/fedprog/index.shtml>

Tennessee Department of Education further assures that, if it receives the requested waiver, it will:

- Ensure that sub-recipients within the State will use FY 2009 funds carried over as a result of the waiver to carry out activities in accordance with program requirements;

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- Hold local educational agencies and schools accountable based on the State's annual measurable objectives; and
- Estimate the number of jobs created or retained with regular Federal FY 2009 funds after September 30, 2011, in a manner and format consistent with the quarterly reports required under Section 1512 of the American Recovery and Reinvestment Act of 2009 and make such estimates available to the U.S. Department of Education upon request.

Tennessee

CFDA Number	Name of Program	Grant Award Number	Estimate of the Amount of Federal FY 2009 Funds that Remain Unobligated
84.010A	Title I-A-Improving the Academic Achievement of the Disadvantaged	S010A090042	\$2,504.87
84.389A	Title I-A ARRA-Improving the Academic Achievement of the Disadvantaged	S389A090042A	\$3,385,127.84
84.318X	Title II-D-Enhancing Education through Technology	S318X090042A	\$628,821.23
84.386A	Title II-D-ARRA-Enhancing Education through Technology	S386A090042	\$1,777,454.32
84.186A	Title IV-A Safe and Drug Free Schools	Q186A090044	\$52,246.03
84.010A	Title I-A-School Improvement 1003(a)	S010A090042	\$4,524,968.26
84.389A	Title I-A-ARRA-School Improvement 1003(a)	S389A090042A	\$448,225.43

Please feel free to contact me by phone or email at Debbie.Owens@tn.gov or 615-532-6297 if you have any questions regarding this request. Thank you for your consideration.

Sincerely,



Kevin Huffman

KSH/DEO:bc

c: Dr. Debra Owens, Chief Officer, Division of LEA Support and Improvement